

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

*(Write the District and Division, if any, of the
court in which the complaint is filed.)*

James E Denny

*(Write the full name of each plaintiff who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)*

-against-
Texas County Sheriff's Dept
James Sigman - Sheriff

*(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names. Do not include
addresses here.)*

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

18-3318-CV-S-SRB-P

Case No. _____
(to be filled in by the Clerk's Office)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☒ Yes ☐ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

James E Denny

All other names by which you have been known:

ID Number

1254606

Current Institution

FRDC - SA 101-1

Address

State Highway 0

Fulton MO 65251

B. The Defendant(s)

- Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.
- Make sure that the defendant(s) listed below are identical to those contained in the above caption.
- For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both.
- Attach additional pages if needed.

Defendant No. 1

Name

Sheriff James Sigman

Job or Title
(if known)

Chief law enforcement officer
of Texas county

Shield Number

Employer

Texas County Government

Address

Texas Co Judicial Center

Houston MO



Individual capacity



Official capacity

Defendant No. 2

Name

Texas County Sheriff's Dept

Job or Title
(if known)

Government Agency

Shield Number

Employer

Texas County Sheriff's Dept

Address

Texas Co Judicial Center
Houston mo



Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):



Federal officials (a *Bivens* claim)



State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights.

What federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? I was put in a dangerous situation, dept staff made threats against me and

I was made fun of and tormented for being gay. I had my right to freedom of press taken away when Sheriff Sigman made physical threats against me for trying to report discrimination and drug use by his staff to the media. GLBT classed americans are a protected class. I feel the party is guilty of a Hate crime

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☒ Other (*explain*) out on bond from Tx Co Missouri
on Pending Charge 17TE - CR 00825-01

IV. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?
- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

① While in the Texas Co Jail members of the Custody Staff called me princess and faggot. I attempted to use administrative remedies to report discrimination My claim was ignored and at times thrown away.

② The Sheriff and Jail Administrator took me into a small closet and made physical threats against me for trying to write the media about corruption in the TX Co Jail. The events in question took

Place in December of 2017 and Jan of 2018 in the TX Co Jail, Houston TX

Statement of Claim (continued from petition)

- ④ I was punished and placed in a lock down cell after I reported to Jail staff I was being harassed by a fellow inmate. I told the staff I was not afraid of this inmate and did not want protective custody. I'm able to defend myself. The person guilty of harassment should have been removed not me.
- ⑤ A member of the custody staff moved me into a pod where Sex Offenders are housed and said lets see how the faggot likes it over with the other freaks. This could have caused me to be a victim of attack by fellow inmates.
- ⑥ I was deprived of my own money when staff refused to allow me to buy stamps or phone time to contact people about my case and personal affairs. The staff joked about keeping me from being able to write or call people to report harassment abuse and discrimination.
- ⑦ Custody staff went out of their way to cause stress and emotional distress in my life.

over

(8) My mail was restricted and some items were not mailed (a federal offense.)

(9) legal mail was opened and viewed by the Sheriff and custody staff.

* (10)

All above events took place in the TX CO Jail in Houston MO between early Dec 2017 and Jan 2018 while in custody on Case # 17TE-CR00825-01. The above actions are harassment caused emotional distress and anxiety.

* Count (10) Sheriff's Department and its staff are guilty of a Hate Crime against a protected class given my GLTB status.

Specific Statement of Claim for James Sigman the individual - abuse of power, Sigman with loyal subject "Jennifer" (jail admin) told me if I went to the press he would "come after me with everything he had" for sending a story to the paper about the "corrupt James Sigman". I was attempting to report facts.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Emotional distress, anxiety, psychological abuse. Since I am a protected class American I view this behavior to be a hate crime against the son of a US military veteran. my mom gave her service for all Americans with no regard to race, color, or sexual orientation.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

make them pay for a grown man who is a member of a protected class having to fear he might be killed or beaten nightly for over a month. I request 500,000⁰⁰ (half a million) in punitive damages for emotional distress and anxiety caused by their behavior from SG Mar and 2 mil from TX County.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

I see this behavior as a hate crim

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Texas Co Jail, Houston mo

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes
☒ No
☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes
☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

Texas County Jail, Some of my forms were thrown away, at times when I asked for grievance forms to exhaust the administrative remedies staff would laugh and refuse to give me a form.

2. What did you claim in your grievance? (Attach a copy of your grievance, if available)

Discrimination, unfair treatment, emotional and verbal abuse, harassment, A Supervisor named Mark came and got in my face and made physical threats against me.

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

No answers were given. The Jail administrator said she didn't have to even allow me the right to use administrative remedies if she did not want to.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

They stopped giving me forms and continued to harass me. I wrote the Prosecutor, Court Clerk, and County Commissioner. I feel I made every effort to complete the process in the jail and the Commissioner refused to answer my⁸ letters.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I was not allowed to submit grievances
have them answered appeal and then
have a final appeal. I contacted the
Court Clerk and County Commission to
report Sigman and staff for corrupt behavior

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Marci Mosley - Court Clerk no response
Dark Stevens - no response - prosecutor
County Commissioner - no response
Sheriff Sigman - no answer

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I informed FRDC staff at intake
I was assaulted by TX Co staff
while in their care and victim of discrimination

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?



If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

- _____
- _____
- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes
☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes
☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No *(If no, give the approximate date of disposition):*

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-14, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City State Zip Code

James E Denny - (ERDC)
1256606
State Highway 0
Fulton mo 65251

⁹⁻²¹⁻¹⁸
I am scheduled for release my ~~current~~
home address is below Please
mail information to my home

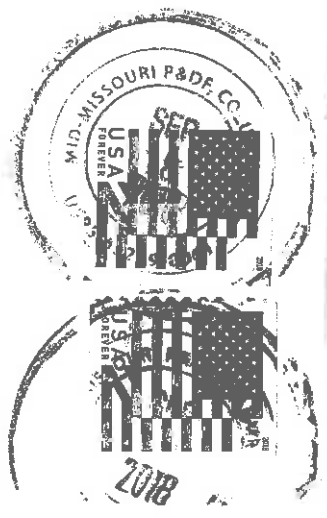
James Denny
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PLEASE

REC'D SEP 21 2018



Legal Mail -

United States District Court
Clerks office
1400 US Courthouse
222 John Q Hommons Pkwy
Springfield MO 65806